

Commissioner for Patents

REMARKS

Claims 1-8 remain in the application.

The Applicants note that the Examiner considers claims 2, 4, 5 and 8 to contain allowable subject matter.

In Item 3 of the Office Action, the Examiner rejects claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,045,487 (hereinafter "*the Miller reference*"). The Examiner argues that Miller discloses an elliptical exercise device in which "*cranks 32 are mounted eccentrically on cam 38 whereby the axis of rotation is displaceable.*" The Applicants respectfully argue that the cranks 32 of Miller are not displaceable about their axes of rotation.

More specifically, the Applicants refer the Examiner to lines 62 and 63 of column 3 of the Miller reference, in which it is stated that the crank arms 32 "*are pivotally attached to the frame at the second pivot axis 20, so as to be rotatable therereabout.*" It had been stated previously in column 3, line 36, that the "*second pivot axis 20 [is] defined on the frame.*" Therefore, it appears clear that the crank 32 in the Miller reference has an axis of rotation that is fixed to the frame, and is therefore not displaceable.

In Fig. 1 of the Miller reference, the crank arm 32 appears to be eccentrically positioned, but the Applicants specify that it is the cam wheel 38 that is off center with regard to the second pivot axis 20, giving the impression that the crank arm 32 is off center. However, as measured, it is clear from Fig. 1 that the axis of rotation of the crank arm 32, namely the second pivot axis 20, is centered with regard to the sprocket 49 and is therefore fixed to the frame.

Therefore, claim 1 is clearly patentable in view of the Miller reference, whereby the Examiner's reconsideration is earnestly solicited.

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In view of the above remarks, this application is now believed to be in order for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,

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By:



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(Date)

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